

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1060 OF 2022

Neeraj Raja s/o Wanenshwar Nath KochharPetitioner.

V/s

State of Maharashtra & Ors.

.....Respondents.

Mr. Vikram Nankani, Senior Counsel a/w Adv. Aashish Rao, Adv. Nishit Dhruva, Adv. Prakash Shinde, Adv. Niyati Merchant, Adv. Harsh Sheth i/by MDP & Partners for the Petitioner.

Adv. Purnmina Kantharia a/w Ms. Madhuri More for the Respondent Nos. 3 & 4-BMC.

Mrs. S. D. Shinde, APP for the Respondent State.

Mr. Milind Kadam, Designated Officer/Executive Engineer, H/W Ward present.

**CORAM : NITIN W. SAMBRE &
R. N. LADDHA, JJ**

DATED : 28th JULY, 2023

P.C.:

1. We have perused the Affidavit filed by Dr Sudhakar Shinde, Additional Commissioner of Municipal Corporation of City of Bombay.
2. In view of the divergence of the events in the said matter, Mr. Nankani, learned Senior Counsel for the Petitioner on instructions made a motion for withdrawal of the Petition.
3. The Petition stands dismissed as withdrawn.
4. As prayed by Mr. Nankani, learned Senior Counsel for the Petitioner, we grant liberty to the Petitioner to take recourse to

such steps as are permissible and available in law.

5. We have come across number of matters wherein the Corporation is the Respondent, wherein for want of appropriate instructions from the officers, the lawyers representing the interest of the Corporation are handicapped in timely rendering the assistance to the Court. The present case is one of such example wherein this Court has prompted to summon the Affidavit of the Additional Commissioner.

6. What is noticed is, there is no *inter se* communication and synchronization between the various departments of the Corporation in the matter of filing Affidavit-in-Reply or giving instructions to the officers of the Corporation and as such, the matters against the Corporation are dragged at the instance of the Counsels for the want of proper instructions.

7. In the aforesaid background, we deem it appropriate to direct the Municipal Commissioner, Municipal Corporation of City of Bombay to take note of the same and issue appropriate administrative instructions at its level so as to ensure that appropriate instructions by appointing a Nodal Officer to be the coordinator between various departments be issued to the lawyers representing the interest of the Corporation.

8. We expect the response of the Municipal Commissioner in the form of Affidavit sworn the Additional Municipal Commissioner to be placed in the present matter within six weeks.
9. Stand over to 08/09/2023, for compliance.

(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)